

FINAL CONTRACT REPORT

Contractor: MSD, Inc.
Democratic Advancement in Bolivia Project
Chief of Party: Joseph Caldwell
E-Mail: baoj@ceibo.entelnet.bo

Calle 9, Obrajes, 280
Casilla 3165
La Paz, Bolivia
Tel. 591 2 786553 Fax 786963

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This report is submitted by MSD under IQC contract no. AEP-1-00-00-00013-00, which began on July 1, 2000, as a Rule of Law project in the Democratic Advancement in Bolivia initiative of USAID/Bolivia. It consists of a cover sheet, an index of acronyms, a narrative text, and six attachments. These attachments are: Attachment 1, Microsoft Project activity and results charts, covering the four areas of the contract (activities in the administrative support area are included in the respective area for which the activity took place); Attachment 2, Table of Expenditures and Level of Effort Chart; Attachment 3, a Statement of Procurements; Attachment 4, a Local currency and Pl-480 residual report; Attachment 5, a personnel roster for the project; and Attachment 6, an Index of Products. In addition to the attachments, this report is accompanied by a CD ROM version provided with accompanying CD's, which are: one CD including all digitally reproducible products; a CD with digital video and graphic products created as part of the mass media campaign; and finally, a CD with four songs produced as part of the musical campaign.

BACKGROUND

1993 to 1997. In 1992, the Latin American-United Nations Institute on Delinquency and Delinquency Prevention, (ILANUD) issued a report contracted by MSD, which identified serious problems with the criminal justice system and made recommendations for reform. Poor administration and management, corruption, neglect, and traditions carried forward by despotic, de facto, dictatorial regimes had produced justice delay and systematic violation of guaranteed constitutional rights which were unacceptable in a democratic society governed by the Rule of Law. USAID's efforts were directed toward the Judicial Branch and to the Ministry of Justice, Florida International University (FIU) which provided working through MSD and sub-contract assistance in an anti-corruption project. These efforts dovetailed with training and institutional strengthening efforts within the Public Ministry for prosecutors provided by OPDAT, and with the police by ICITAP. The International Bar Foundation (IABF) also provided services to establish alternative dispute resolution (ADR) initiatives both within the civil society, and with a pilot ADR center annexed to the Superior Court in Cochabamba.

Judicial Branch Projects. Three pilot projects, were developed including a case tracking system in the superior court in Santa Cruz, (coinciding with those developed by OPDAT and ICITAP for the prosecutors and police), a model court administration system in Tarija, and a training needs assessment and follow-up training for the judiciary.

Ministry of Justice Projects. A technical team and materials were provided to draft legislation and regulations to provide for the creation of the crimes of money laundering and criminal conspiracy, and a special investigative unit within the Superintendency of Banks. FIU also provided experts and training for the investigative unit. Along with experts provided by other donors, the team worked on the constitutional reform which became effective in 1995, and then the enabling laws for the new institutions created by that constitutional reform, which were the Public Ministry, the Judicial Council, the Constitutional Tribunal, and the Ombudsman (Defensora del Pueblo, or DP). The new Public Defenders Office was also created and financed using a local currency BP balance of payments fund administered by the GOB and COSUDE the Swiss Cooperation Agency.

The centerpiece of this reform was an initiative to enact and implement a new criminal procedure code providing for more rapid, efficient and just case management, as well as oral, public, trials with citizen participation. In August of 1997, coinciding with the change of government after the election in June, drafts of all of the legislation had been developed, but with the exception of the money laundering and criminal conspiracy laws, the Congress had not begun to consider any of them. Additionally, the Supreme Court, continued to resist all judicial reform, which created what they perceived to be rival institutions such as the Constitutional Tribunal and the Judicial Counsel.

August, 1997 to January, 1998

Representatives of the new coalition which assumed power in August of 1992 established as one of its top priorities, the continuation of the criminal justice reforms which had been left incomplete. USAID contracted with MSD to provide a six month bridge contract, contemplating a more comprehensive project when the political will of the coalition could be tested and if it proved substantial enough to merit continuing projects. This contract provided that MSD work with the criminal justice sector, and collaborate with the State University of New York (SUNY), whose congressional development project with USAID was in its final phase. The purposes of the contract were two-fold. First, the technical team would provide technical assistance to the Ministry of Justice and Congress towards the passage of the reforms. Second, MSD would continue promoting the development and acceptance of the pilot projects identified earlier. Included amongst those pilots to be monitored and carried forward by MSD were the prosecutor's case-tracking system INSPECTOR described earlier, and any uncompleted projects undertaken by OPDAT, whose contract was terminated by USAID in April of 1997. Also included was the IABF's ADR project in Cochabamba.

This contract period ended in January, 1998, with all the judicial reform projects (CT, JC and DP passed by the Congress, and the NCPP project passed "In General" (*En grande*) by

the Chamber of Deputies. The pilot projects were also maintained and improved, with a much more substantial possibility of proliferating, because the Judicial Council would now become responsible for court administration once it began operating in full in August of 1998. The political will of the GOB and the new institutions was more than sufficient to continue with the reform.

1998 to 2000

In February, 1998, MSD began working directly with the Congress (SUNY 's contract had ended), as well as with all the criminal justice institutions, in a comprehensive approach to the passage and preparation for the implementation of the NCPP. The work plans were developed together with those of the German donor, GTZ, and both USAID and GTZ agreed that the project would proceed with both donors and MSD collaborating. The contract provided for two phases: First, a Phase one, to acquire the passage of the NCPP calculated to end at the end of June, 1998; Second, a Phase II, in which preparation for the implementation of the NCPP would take place during the two-year legal vacation period contemplated in the project before the NCPP came into full effect.

The NCPP took eleven months longer than originally anticipated to pass the Congress, be signed into law by the President, and be published in the Official Gazette [the day it officially became law (Ley1970)], on May 31, 2001. Much of this delay took place in order to provide time to acquire a consensus to include concepts important to controlled substances investigations, such as legalizing undercover agents, allowing for controlled drops of evidence, and protection for informants in criminal prosecution. All of these were included in the final version. The two year Phase II period began then, on May 31, 1999, to run until May 31, 2001, even though MSD's scheduled ending date was June 20, 2000, leaving an eleven month gap in services before a Phase III, which was planned to take place when the NCPP became in full effect.

The Task Order, 2000 - 2001

This IQC task order was required to provide uninterrupted services during the remainder of Phase II of the NCPP pre-implementation period after the previous contract ended on June 30, 2000, until -May 31, 2001, plus one month of close-out.

Conceptual design: Scope of Work and Work Plan. Overall, the plan was to provide technical assistance to every institution working in the criminal justice system, which included: within the Judicial Branch, the Judicial Council, the Supreme Court, the Constitutional Tribunal, the Judicial Training Institute, and Superior Courts of several departments; the Public Ministry, including the Attorney General, several District Attorney's, and administrators at all levels; the Ministry of Justice and its Office of the Public Defender, the Ministry of Government, the National Police, including the Counter-narcotics Special force, (FELCN) and the Technical Judicial Police (PTJ); both houses and several committees of the National Congress; The Ministry of Finance (Hacienda) Budget Division, Title III PL-480 and BP Fund administrators; and the office of the Vice-

President. It worked in the Civil Society with numerous NGO's, members of the press and mass media representatives. It was a coordinated project with the German donor, GTZ, and linked with efforts undertaken by other agencies of the USG, such as PAS, NAS, DEA, ICITAP, all levels of USAID, and up to and including the Ambassador and DCM.

This project was characterized by its complexity, flexibility and its highly political nature. Indeed, changes in counterparts, emphasis, priorities, plans and activities took place on almost a daily basis. This required significant cooperation between the various actors in the donor community, in order to produce a successful result. Throughout the period of the contract, the effort of cooperation with representatives of the above mentioned agencies was excellent and was a contributing factor to the success of this contract, as set forth below. MSD wishes to commend and thank those representatives for their efforts.

Chronology Basically, the first quarterly period of the contract was one of organization and preparation for events occurring in the second and final quarter, with accelerated activities leading up to the culmination of the technical part of the contract, when the NCPP went into full effect on May 31, 2001. The day of May 31 was designated officially as the "Day of the Democratization of Justice" last year, when certain portions of the NCPP took effect. This year, that same date was the target for the end of all pre-implementation activities, and a celebration, described below in the dissemination section, of the arrival in full of the NCPP. It was also the planned end of activities sought under this present contract, until the no cost extension provided for an additional month of activities. The theory behind this accelerating effort is that the best benefit of training and dissemination would take place closest to the time that the NCPP went into full implementation, so that the knowledge gained by operators and citizens would be freshest in people's minds. Attachment one provides detail about the events occurring during the contract.

This contract was originally scheduled to end on June 30, 2001, but was extended no cost for one month, until July 31, with a close-out to take place in July, in order to provide services during the month of June. Services for Phase III, to provide for continuing implementation technical assistance for the next three year period of operation of the NCCP from August 1, 2001, are the subject of a new task order under the IQC contract.

Areas of Activity. The scope of work and work plans dealt with essentially five activities: 1. Legal Development; 2. Institutional Strengthening; 3. Training; 4. Decongestion; 5. Dissemination; and 6. Special Administrative Support. An explanation of each of these areas and their respective targets are set forth below..

Overall completion of Activities and Targets. All targets set forth by the technical office were met with the exception of the passage of laws, as explained in the report for each area set forth below. It should be noted that, in addition to the success in reaching the targets of the contract, other measures of successful contract completion, such as level of effort and expenditure were almost 100% on target. The contract budget was \$1,970,082.78. The amount expended was \$1,952,654.28, or 99.9% of the budgeted amount. The Level of

effort projected was 756,976 hours, and the actual hours were 754,250.48 hours, or 99.3% of the projected LOE hours.

SPECIFIC ACTIVITY REPORT

ACTIVITY 1: LEGAL DEVELOPMENT

Relationship with Democracy Results Framework: Sub-intermediate Result 1.1. The Code of Criminal Procedures (CCP) and enabling legislation enacted.

Target: Enactment of at least 4 of the 5 identified laws, as set forth in the SOW, accomplished by the end of the contract period.

The Plan targeted five key laws, anticipating that four of them would pass before May 31, and that two would pass by the end of the second quarter on December 31. One of them was the Law of Elections (Ley Electoral). The Electoral Court concluded that no change was required in the law, and no further activity took place for it. However, after May 31, difficulties with the voter registration lists discussed below may provoke a second look at possible changes in the law in Phase III. The Congress' regular sessions ended on March 22, 2001, and will not re-convene for discussion of laws until August, so that it is not likely that any further laws will be passed under this contract, which ends in June. Here are the results obtained so far:

1. Public Ministry enabling law (Ley Orgánica del Ministerio Público). This law defines the Public Ministry's administrative structure, prosecutor selection, career ladders, disciplinary proceedings, acceptable salary policy, the relationship with police and the structure of the Office of Forensic Investigation. This legislation was passed and signed into law with a publication date of February 20, 2001.

2. Law of Penitentiaries and Sentences (Ley de Ejecución de Penas). This legislation defines the relationship between the Sentence Supervision Judges created by the Code (Jueces de Vigilancia) and penitentiary authorities. It also establishes the offices of Probation and Parole supervision for persons released under conditions by either a suspended proceeding or sentence (Libertad Condicional por Suspensión de Proceso o Procedimiento Abreviado), or parole (extramuro).

This legislation had three referrals in the Chamber of Deputies (the chamber of origin): to the Commission on the Government, of to the Commission on the Constitution, Justice and Judicial Police; and to the Commission on Human Rights. As of March 1 2001, all three commissions approved the law and reported it favorably to the full chamber for its passage, so that the next step would be the referral by the President of that Chamber to the floor for debate. For mostly logistical, rather than political reasons, the Chamber's President, Jalil Melgar, was unable to present this, and other legislation for which priorities had been established for consideration of the full chamber before congress adjourned.

3. The Judicial Branch Enabling Law (Ley Orgánica del Poder Judicial). The legislation project was presented by President Banzer to Congress in April, 2001. It passed the Senate in special session in June, and will be taken up by the Commission on Constitutions of the Chamber of Deputies when Congress convenes in August, 2001.

4. The Impeachment Law for High Government Officials (Ley de Responsabilidades). The Constitution provides different mechanisms for trials of certain high government officials depending on which official is being accused. The President, Vice-President, cabinet ministers, prefects, the Comptroller General, departmental superior court magistrates, Ombudsman, judges of the National Electoral Court, and Superintendents are tried in a single instance trial over which the Supreme Court presides after authorization by Congress. Supreme Court and Constitutional Tribunal justices, Judicial Council members, and the Attorney General are tried by Congress in a proceeding in which the lower house's Commission on Constitutions investigates an accusation and prosecutes the case in the Senate. The draft of this law prepared by the ETI team is now being debated in the Commission on Constitutions of the Chamber of Deputies.

5. The Police Enabling Law (Ley Orgánica de la Policía Nacional) The discussion draft of the Police Enabling Law was completed by Police/MSD/ICITAP Technical Team in October of 2000. The Ministry of Government has not yet decided whether to present this document to Congress for its consideration. Despite this lack of decision on the part of the Ministry, in February, the Commission on Government of the Chamber of Deputies requested technical assistance to begin consideration of the law, and MSD began providing technical assistance. The National Police Command has requested ninety days, until May, to get feedback from the rank and file of the police in different departments, to which the Commission has agreed, but at the close of the contract had not yet reported, effectively postponing any consideration of the project in Congress until the August session.

ACTIVITY 2: INSTITUTIONAL STRENGTHENING

Relationship with Democracy results Framework: Result 1.2 Key justice institutions adapt to the requirements of the new legal system.

Targets: a) The key justice institutions adapt their Annual Operative Plans, including budgets, and personnel policies to the new CCP by May 31, 2001. b) The NIC and Executive Committee are meeting quarterly and effectively coordinating the National Implementation plan.

CNI and ECI:

Technical Team (ETI)

The Technical Team (ETI) was funded jointly by USAID (12) and GTZ (5), comprised of 17 persons, who were divided in the areas of Laws, Institutional Strengthening, Training, and Dissemination. The teams designations are set forth in the Roster, Attachment 5.

The ETI was also enhanced by two volunteer U.S. lawyers, two German Lawyers and 15 Bolivian Catholic University (UCB) law, engineering or communications students, who were assigned to various projects in the Institutional Strengthening area, as shown in Attachment 6). Their services proved of great importance to the ETI, and demonstrated the enormous enthusiasm this project generated at the university level, and amongst professionals interested in those areas.

Operating Plans and Budgets.

A comprehensive study of needs and recommendations for implementation, to serve as the basis for budget preparation, was provided by a local consultant, Aguilar and Associates. This study was to be submitted in June, 2000, to coincide with the budget cycle of the GOB (September submissions for the next calendar year). In fact, the study was not completed until March, 2001.

Another study, funded by Local Currency monies and provided by Colombian Consultant, Ricardo Mora Izquierdo was provided to determine the needs, and short term-long-term efforts towards the establishment of the Public Ministry's new Institute of Forensic Investigations (IIF), created by Law 1970. This study was important because of the need to provide a scientific basis for proof, which was almost non-existent in the country. It too, was late, because a first consultant proved unable to begin on time, and therefore the study was not completed until April, 2001.

Base budgets were approved without considering amounts required for the implementation of the NCPP. However, the Ministry of Hacienda, at the request of the CNI, agreed to withhold consideration of a supplemental budget until these studies were complete, and with assistance from the ETI, the institutions' staff personnel prepared operating plans and budget requests which reflected the needs of their respective institutions for the implementation of the NCPP, incorporating the studies in these requests as they were completed. As a manifestation of the political will of the GOB backing the NCPP, The Ministry of Hacienda in May approved budgets which would provide the basic requirements for the implementation of the NCPP, even at the moment of a severe economic crisis, and in spite of the lateness of the requests.

The term "basic requirements" refers to the fact that the minimum necessary in terms of numbers of persons, equipment and materials exists to implement the NCPP. However, much needs to be done in future phases. Most critical is to address the needs of the new IIF. Utilizing agreements to use the laboratories, technicians and doctors of the Ministry of Health for forensic investigation, the Public Ministry was able to provide creative short-term solutions for basic laboratory needs. However, in the long term, more

sophisticated scientific investigation requires investment beyond the realistic ability of the GOB to provide, and the search for funds among the donor community must continue in order to provide comprehensive scientific investigation mechanisms in Bolivia.

The National Commission for Implementation, and its Executive Committee for Implementation (NCI and ECI), created by Law 1970.

The ECI was chaired by the Minister of Justice, and was made up of representatives of the Commissions on the Constitution, Technical Police and Judiciary of both houses of the Congress, the Public Ministry, the Judicial Council, the Ministry of Government, the National Police, the National Bar Association and the Bolivian Public University Association CEUB. It met formally four times during this contract period, until October, 2000. Meetings became increasingly difficult to schedule because of calendar conflicts and sometimes political differences between its members. Luis Vasquez Villamor replaced Juan Chahín in October of 2000 as Minister of Justice. Dr Vasquez, after a first meeting in January, chose to meet more informally with members of the ECI, and no formal meetings took place after that. Instead, the CNI meetings were used as the decision-making forum from that time on. This approach was very effective in some ways, providing for a more streamlined and direct approach. But it did not allow for the airing of concerns of some of the institutions. For that reason, unnecessary impediments sometimes arose. For example, the bar association, even though sharply divided on the issue, passed a resolution requesting the postponement of the NCPP's implementation date. Had the ECI provided a forum for consensus, this would probably not have happened. In spite of the resolution, the NCPP went into effect on time, and, even though there was strong political will, a full consensus about it from the institutions working within the criminal justice system was not reached.

The CNI was chaired by then Vice President Jorge Quiroga Ramirez, and consists of the President of the Supreme Court, the Attorney General, the Minister of Justice and the Presidents of those same commissions of congress. It met formally seven times during the contract period. Especially toward the end of the period, it became an effective mechanism for concentrating political will and pre-implementation planning.

ACTIVITY 3: TRAINING

Sub-intermediate Result 1.2 Key justice institutions adapt to the requirements of the new legal system.

Target: all 300 criminal judges, all 220 prosecutors, and at least 100 other lawyers and law professors are able to use the CCP in oral procedures. Law faculties and bar associations receive orientation and information needed to update curricula and legal training programs.

Training of Operators:

This contract was dedicated to training as many professionals and police as possible in preparation for the new NCPP. The training took place through four mechanisms: first, and Institutional Network of Trainers to provide a basic training course; second, a graduate course for judges, prosecutors and lawyers in cities where the case-load would be greatest; third, specialized police-prosecutor courses provided by ICITAP and MSD trainers, and fourth, a specialized public defender training course funded by the BP or PL-480 local currency funds. The results of the training in each of these areas are as follows:

1. The Institutional Network of Trainers

During the last contract, a training phase took place to prepare 135 operators who had earlier gone through a comprehensive one month training in Puerto Rico, as trainers on the early applications of the NCPP which started on May 31, 2000. The results were a comprehensive training program in which every judge, prosecutor, FELCN police members of the PTJ, private lawyers and universities professors were trained before that date. Dra. Silvana Stanga, the trainer for the first segment, was unable to arrange her schedule to continue as international trainer. She was replaced by Dra. Ines Marensi, of INECIP in Argentina. With Dra. Marensi, the ETI prepared course materials for two one-week "Train-the trainers" courses which took place in December at the Judicial Training Institute, with participation by the Public Ministry Training Institute, the Public Defender's Training School, the National Bar Association and the Association of Public Universities (CEUB). A group of one hundred-forty pre-selected trainers, comprised of judges, prosecutors, public defenders, private lawyers and university professors, attended these courses and received course materials to use for training all others in the next year. Out of these two experiences, training materials were developed for all aspects of the NCPP in a comprehensive basic course.

These trainers, formed an institutional network of trainers, who assumed responsibility as trainers approved by the training institutes described in the following "New Training Institutions" section, for training the professionals in each of their departments. Through this mechanism, MSD trained a majority of justice system officials, as follows:

Judges	731
Prosecutors	152
Police	1676
Public Defenders	55
Independent Attorneys	977
Law students	719
Others	759

2. The Post-graduate Courses.

A Post-Graduate Course in Criminal Procedure totaling 400 hours, (200 classroom, 200 out of class tasks) began on March 12 2001, in the four largest cities: La Paz, Cochabamba, Sucre and Santa Cruz. These courses were the joint effort of the Judicial and Public Ministry of training institutes, the ETI and regional trainers, MSD, GTZ and ICITAP staff, international consultant Alberto Binder, professors of the Catholic University of Bolivia (La Paz), the University of San Simon (Cochabamba), the Autonomous University Gabriel René Moreno (Santa Cruz), and San Francisco Xavier University (Sucre). The classroom work is being taught to two separate groups of judges and prosecutors, totalling over 275 nationwide, in two hour sessions running from 7:00-9:00 a.m. and 7:00-9:00 p.m. Identical courses are also offered to private lawyers parallel to those offered to institutional functionaries. The courses are designed to provide a highly specialized training to judges, prosecutors and private lawyers, as well as to develop a thorough, model course curriculum for use by universities in the future. It is designed as a 30% theoretical, and 70% practical course for operators of the judicial system.

3. ICITAP/MSD specialized police-prosecutor courses.

A highly specialized, intensive two-day course on techniques for questioning witnesses at trial was presented four times by MSD and ICITAP staff. ICITAP provided trainer Kim Linqvist and three two-person, prosecutor-police teams accompanied the trainers in La Paz and Cochabamba through the process of organizing a case and questioning witnesses at trial, and then providing critiques of the participants (limited to thirty at each event) while they performed these tasks. Then these teams undertook the training tasks in Sucre and Santa Cruz, under the supervision of the international trainers.

At the same time this course was presented, a basic oral trial investigation, preparation and presentation course for prosecutors, FELCN and PTJ members which had taken place during the last contract was repeated by ICITAP and MSD staff and regional trainers, with ICITAP providing international trainers Jesus Garza and Hernan Perrico. This three day course was presented five times, one specifically for FELCN and controlled substances prosecutors, and four times for PTJ and prosecutors.

4. Public Defender Training Courses.

Throughout the contract period, the Public Defender's office provided specialized training for public defenders with local currency funds or those supplied by COSUDE, in preparation for the NCPP. MSD and GTZ staff, ETI trainers, and University of Buenos Aires professors provided this course training to the one hundred and thirty rural and urban public defenders in the country.

Other training highlights.

1. New Training Institutions

During this contract period, two institutions (The Public Defender' Office already had a training component established) came into being. One was the Judicial Branch's new Judicial Training Institute (Instituto de la Judicatura) was staffed and facilities, including a model courtroom were created for training in Sucre. This Institute is responsible for training all prospective, new and sitting judges and court functionaries in the future; the second institution was the Public Ministry Training Institute, was staffed with a director, equipment and a model courtroom in Sucre providing a structure for future prosecutor training, also using materials developed by the ETI. Both institutes used materials developed by the ETI as the basic training materials for their personnel, as well as equipment provided with PI-480 funds.

Model Courtrooms: Model courtrooms for training were inaugurated and used for training at the UCB in La Paz, in the Superior Courts in La Paz, Cochabamba, y Santa Cruz.

Training Information-the K'HANA event tracking system. The number of training events, increasing toward the implementation of the NCPP became so substantial that it became exceedingly difficult to collect the information about who was training, or being trained, or in what they were training. No budget existed to create an electronic data base, and the manual effort of data handling was so tedious and time consuming that the course providers had a hard time providing the information in an accurate and timely manner, and ETI and MSD staff an even harder time trying to compile it.

MSD selected a final-year UCB engineering student, Fabricio Vargas, who, utilizing the Visualbasic(c), Access(c) and CrystalReports(c) software available at UCB, designed an event tracking system, called K'HANA, which means "Light" in the Aymara language. Using other volunteers, as well as MSD and ETI staff to provide sorting and data entry, information about training is now accurate and up to date. Personal information about the persons trained or providing the training, such as names, ages, gender, professions, jobs, etc., can now be generated, along with the places, types, length, and scope of training events, on a national, departmental, and provincial level.

ACTIVITY 4. DECONGESTION

Relationship with Democracy Results Framework: Sub-intermediate Result 1.2 Key justice institutions adapt to the requirements of the new legal system.

Target: 35 percent reduction in pending cases by May 31, 2001.

Reduction Tracking

Some measures, like the re-categorizing of overdrawn check crimes as private crimes, and the creation of Public Crimes at the Option of a Party, began on May 31, 1999. Other, early applications of the NCPP designed to reduce case-loads (pre-release measures, suspension of actions, and prescription of actions) began on May 31, 2000. The baseline data from June, 1999 acquired by the ETI to measure reductions, through a survey document prepared during the last contract and sent to the Judicial Council, the Public Ministry and Police. The information was to be updated after November 30, six months after the early applications, to be included in the Aguilar & Asociados report. It was still incomplete, with some of the information still not supplied by March, 2001, even though vigorous efforts to acquire it were undertaken. Therefore, accurate information on case-load reduction by the use of those early applications built into the NCPP could not be accurately measured. Even so, the redefinition of overdrawn check cases reduced by forty-percent the intake of new cases. Pre-trial release took place in significant numbers, and in fact became the subject of an ongoing national dialogue about releasing persons accused of crimes and the presumption of innocence. On the other hand, the use of the conditional suspension of actions was not used by private attorneys as hoped. The Constitutional Tribunal's decision that the prescription of actions would not apply to actions in which a Judge of Instruction had dictated an Order for Preliminary Hearing (Auto de Apertura), limited the number of cases to which prescription of actions already filed in court applied. Even so, combining the results of reduction utilizing all of the methods of early application, the likelihood is that this target was met.

The National Decongestion Plan

Under Law 1970, the Judicial Council and the Public Ministry were to publish on March 31, a Backlog Plan (Decongestion), designating judges and prosecutors who would hear cases under the previous criminal procedure codes until the cases would be dismissed if not completed three years from May 31, 2001, and those who would hear cases under the NCPP. It was not completed by that date within the institutions, due to the delay in the Aguilar and associates study discussed above, and the consequent delay in the approval of budget items by the Ministry of Hacienda. Even so, the Judicial Council and the Public Ministry had designated those persons by May, when the NCPP took effect.

IANUS and INSPECTOR case filing and case tracking systems.

The IANUS Court case tracking system consists of two modules: a case-filing system, providing for a judge selection process which prevents forum shopping, and a case tracking system which tracks all activities in a case, providing information about persons, dates, time periods and activities involved in all criminal cases. A civil version has been perfected, in the event the Judicial Council should choose to expand the system to civil matter. The INSPECTOR system is for police and prosecutors. It provides for information from the time a complaint is filed, including digital versions of actual filings. Both of these systems allow for electronic preparation and filing of documents in a case, which provides the basis for an electronic case-file.

During the last contract, both IANUS modules were completely installed in the Santa Cruz Superior Courts. During this contract, the modules were completed for all levels of court, up to, and including the Supreme Court and the Criminal Information Unit created within the Judicial Council in Sucre. The case filing module was installed throughout the country, and the expansion to the other levels of the court were included in the Operating Plan for the Judicial Council, who has assumed responsibility for expansion of the system, and has hired three technicians for the expansion. MSD's sub-contractor NEOTEC and ETI members also provided assistance in developing these modules.

The INSPECTOR case-tracking system for police and prosecutors was expanded to Sucre, Tarija, and Cochabamba, during this period through NEOTEC.

NEOTEC, working with representatives from each institution and ETI USAID/MSD/GTZ staff also completed a fully integrated system as a pilot in Santa Cruz, in which information about complaints to police were instantly transmitted to the Fiscalía and the Court, in order to comply with NCPP deadlines for notice included in the NCPP. Equally, the information about the status of the case at whatever stage in any of these institutions is available to provide to persons who have a legal right to know about it.

ACTIVITY 5: DISSEMINATION

Access and understanding of the new legal system is increased.

Targets: a) At least seven Civil Society groups carry out public education programs in the CCP. b) A mass media campaign is implemented

The following are highlights of the dissemination activity occurring during this period:

NGO effort- Seven NGO's, CDC, CIDEM, IPTK, IFFI, INCCA, CEJIS and the Casa de la Mujer were carried over for this phase to form an NGO network covering the nine departments of Bolivia. These had formed themselves into a nucleus of a viable NGO network. The National Press Association (Asociación Nacional de Periodistas) was added in order to provide dissemination specifically directed to reporters, editors and owners of the mass media.

Mass media campaign-Tironi and Associates was awarded the contract for the mass media campaign after a competitive process with five public relations companies competing. This campaign was designed to take place through the period March 24-June 30 of 2001. However, at the request of the Minister of Justice, the possibility of beginning earlier, and with the addition of certain activities, principally a series on oral trials on Television Station P.A.T., was explored, and the technical office has agreed that funds saved in other areas could be provided here in a budget realignment which has been requested of the RCO.

The campaign was inaugurated in an event at the Hotel Radisson on March 14, 2001, and

ended on June 20, 2001, with the last of the television and radio spots. The real culmination event though, was the Day of the Democratization of Justice. The President decorated persons significant in the implementation of the NCPP, including the ambassadors of the United States and of Germany, and others. A press luncheon followed, in which the Vice-President, the Minister of Justice and others emphasized the unique importance of the moment. It culminated in a musical concert in the Plaza of Heroes, in which the four groups who had written and performed songs directed towards the implementation of the NCPP, TUPAY, JADE, PK-2 and LUIS RICO, provided a concert attended by over ten thousand people. As many copies of CD's and tapes of the songs were distributed.

This musical campaign went beyond the concert, though. It should be noted that some of these songs became extremely popular, because of the popularity of the groups and the uniqueness of the songs, and were played many times over the radio. A video for each of the groups was also prepared and aired on television.

Overall, this mass media campaign produced...**LUIS CAN PROVIDE THE SPOTS, MATERIALS, AUDIO VISUAL MATERIALS, CD'S, BILLBOARDS, POSTERS, FLYERS, ETC. PRODUCED.**

Measures of Success.

Without a doubt, the campaign was successful in apprising a now majority of Bolivians about the NCPP. In some focal groups, 100% of the people knew of the Code. Lessons learned are that the most marginalized of the populace can hear of the Code by face to face contact, and therefore, NGO activity should be increased. Another lesson is that the musical campaign, if it is good, as this one was, is a very effective tool for dissemination, and billboards are more than useless. The final lesson is that the dissemination of knowledge must continue.

Because it had not been implemented yet, it was too early to gage the extent of acceptance, and, indeed, the vast majority of the populace had adopted a "wait and see" attitude. With the new attributes of the NCPP, like pre-trial release conditions, there was a legitimate concern about increasing crime rates which should be addressed by explanation and understanding, but at the bottom line must be dealt with by reducing crime on the streets....something beyond any code in a democratic country. Especially with citizen judges, a concept substantially supported, but with concerns about how it will actually work in everyone's mind, the acceptance of the NCPP will come only if it works substantially better than what went before.

ACTIVITY 6. SPECIAL ADMINISTRATIVE SUPPORT

Manage local currency funds for GOB institutions, such as the Ministry of Justice and Human Rights, Constitutional Tribunal, and Judicial Council. While these activities directly link to the USAID contract, USAID is not responsible for the contractor's management of these funds.

Relationship with Democracy Results Framework-Sub-Intermediate Result 1.2. Key justice institutions adapt to the requirements of the new legal system.

BP local currency

MSD has successfully managed this local currency fund until its termination on Dec. 31, 2000. A required audit report was submitted in July, showing no audit exceptions. Detail of the items provided with the funds are included in Attachment 4, but some highlights taking place in this contract period are:

Public Defenders Office The fund continued to maintain approximately one-third of the Public Defenders in the Country. The MOJ had agreed to absorb these items in its budget, or to have them included in the World Bank's PRI program, but finally was unable commit to doing either until at least September of 2001. USAID requested of the PL-480 administration an inclusion of the PD project in Phase II of the PL-480 Residual project, through June 30, since no more BP-local currency funds are available, and this was approved, so that MSD's commitment to funding the Public Defender's office extended until June 30 2001. COSUDE will continued funding those PD's after that time.

Selection of Prosecutors and District Attorneys. There were certain unexpended funds, which can carry over until next year, because the process to complete the activity sought could not be completed. The most important of these were to provide a selection process to the Public Ministry to hire eighty-five prosecutors to fill vacancies including some new positions, and to provide a selection process for the Commission on Constitutions to choose District Attorneys, this was done in an effort to more and less political. This process were essentially a repetition of an earlier selection effort, in which MSD hired a local consultant, Berthin Mengual and Associates, after a competitive bid process, to conduct a pre-selection campaign. This campaign had successfully reduced the political intervention in the selection of prosecutors which had done so much harm to the process in the past, and which gained the acclaim of most observers of the process to prepare the Public Ministry for its new role.

The second competitive bid process took place in February, 2001, and the Catholic University was awarded the pre-selection process, out of which eighty additional prosecutors were selected. There is no doubt that the capability of the Public Ministry was enhanced by this selection process, in which the ability level did increase, even though the quality of candidate must still be improved, based upon adequate pay, incentives, and reputation.

The technical part of the District Attorney's selection was conducted by Price-Waterhouse, at the request of the president of the Commission on Constitution's President. The process was concluded in April, but Congress adjourned before it could deal with the issue until August of 2001.

PL-480 Residual Funds. During this period, the IANUS-INSPECTOR system was developed as explained earlier. The Center established In Chimore remained operative, providing training, serving as a source for channeling complaints about human rights violations, and providing direct medical service to prisoners in the UMOPAR Jail in Chimore. It was instrumental in assuring the release or transfer of 230 of the 280 prisoners kept in inhumane conditions, illegally and beyond constitutional limitations in the Chapare jail facility through a Habeas Corpus action filed on their behalf in the Constitutional Tribunal.

The director of the center, Edgar Flores, presented his resignation effective March 31, 2001. Under his directorship, the center has functioned admirably in general, during two significant moments of serious social conflict, in April and September, 2001, and he should be commended for his effort. Alvaro Guzmán temporarily replaced him, and also provided local services admirably until the end of this contract. Proceedings to hire a new center director continued at the close of this contract.

Problems.

There are two serious concerns which exist about the center, which are the follow-up, or lack of it undertaken by the Ministry of Justice, and the sustainability of the center. These are:

Follow-up-Once reports are submitted by the center to the MOJ, what happens to them is not known. Apparently, nothing happens, but most certainly, the MOJ has not released any information about any result. This has been an issue for human rights watchdogs, and has been called to the attention of the new MOJ, in hopes that better results occur in the next contract.

Sustainability-The MOJ had agreed to include the center's personnel in the budget requests for the period after. This budget request was included, but was not approved by the Ministry of Finance. There is, therefore, no guarantee of sustainability beyond December, 2001. Therefore, the center must be included in the next budget request of the MOJ to the Department of Finance, with an effort to influence political will in its favor. USAID has already included the continued funding of the center through December, until the next budget, in its request to the PL-480 administrators, but the request had not been approved at the end of the contract. The great likelihood, though, is that it will be approved, since the center has proven itself a worthy endeavor.

The position of prosecutor and investigator on the Public Ministry side were not filled due to lack of space. However, these items are included in the Public Ministry budget when the office addition is completed in February of 2001. The office building to house them was finally completed and inaugurated in July, 2001, with the Attorney General's commitment to name a person in August or September.

END OF REPORT